

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

SANDI Y. JOK, and CHUOLJOCK
T. LIA,

Plaintiffs,

v.

OMAHA POLICE DEPT, et al.,

Defendants.

8:10CV70

**MEMORANDUM
AND ORDER**

This matter is before the court on its own motion. On February 16, 2010, Plaintiffs Sandi Y. Jok (“Jok”) and Chuoljock T. Lia (“Lia”) filed their Complaint in this matter. (Filing No. 1.) On February 25, 2010, the court granted Jok’s Motion for Leave to Proceed in Forma Pauperis (“IFP”) and assessed an initial partial filing fee pursuant to 28 U.S.C. § 1915(b)(1). (Filing No. 12.) In doing so, the court warned Plaintiff that his case would be subject to dismissal if he failed to pay the initial partial filing fee by March 23, 2010. (*Id.*) Separately, on April 6, 2010, the court granted Lia’s Motion for Leave to Proceed IFP and assessed an initial partial filing fee pursuant to 28 U.S.C. § 1915(b)(1). (Filing No. 15.) In doing so, the court warned Plaintiff that his case would be subject to dismissal if he failed to pay the initial partial filing fee by May 5, 2010. (*Id.*)

Both the March 23 and May 5, 2010, deadlines have passed and neither Plaintiff has paid his initial partial filing fee in this matter. (See Docket Sheet.) Therefore, Plaintiffs’ case is dismissed for failing to comply with the court’s February 25 and April 6, 2010, Orders. See Fed. R. Civ. Pro. 41(b); see also Conley v. Holden, No. 03-3908, 2004 WL 2202452, at *1 (8th Cir. Sept. 21, 2004) (affirming district court’s dismissal of inmate’s case for failing to pay the assessed initial partial filing fee).

IT IS THEREFORE ORDERED that:

1. Plaintiffs' Complaint (filing no. 1) is dismissed without prejudice because Plaintiffs failed to comply with this court's orders.
2. A separate judgment will be entered in accordance with this Memorandum and Order.

DATED this 16th day of June, 2010.

BY THE COURT:

Richard G. Kopf
United States District Judge

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